

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
VIVIAN WILLIAMS,)	
)	
Complainant,)	
)	
and)	Charge No.: 2006CF0946
)	EEOC No.: 21BA60150
)	ALS No.: 06-388
ADVOCATE SOUTH SUBURBAN)	
HOSPITAL,)	
)	
Respondent.)	Judge Lester G. Bovia, Jr.

RECOMMENDED ORDER AND DECISION

This matter is before the Commission on Respondent's Motion to Dismiss for Want of Prosecution ("Motion"). Complainant was given an opportunity to respond to the Motion, but failed to do so.

The Illinois Department of Human Rights ("Department") is an additional statutory agency that has issued state actions in this matter. Therefore, the Department is an additional party of record. Moreover, the Department was properly served with the Motion and given an opportunity to be heard. Accordingly, this matter is now ready for disposition.

FINDINGS OF FACT

The following facts were derived from the record file in this matter:

1. Complainant filed a charge with the Department on October 6, 2005 alleging racial discrimination.
2. Complainant filed a complaint with the Commission on her own behalf on November 3, 2006.
2. On January 16, 2007, Complainant's counsel was given leave to withdraw from this matter. Administrative Law Judge Lindt stayed this matter for 50 days to allow Complainant to

locate and retain new counsel. Judge Lindt scheduled the next status hearing for March 7, 2007.

3. Neither Complainant nor an attorney on her behalf appeared at the March 7, 2007 status hearing. Judge Lindt scheduled the next status hearing for April 4, 2007, and warned that Complainant risked dismissal of her case if neither she nor an attorney on her behalf appeared.

4. Neither Complainant nor an attorney on her behalf appeared at the April 4, 2007 status hearing. Accordingly, Judge Lindt granted Respondent leave to file this Motion. Although Complainant was duly served with the Motion, she never filed a response.

CONCLUSIONS OF LAW

1. Complainant's failure to prosecute her case has unreasonably delayed the proceedings in this matter.

2. As a result of Complainant's failure to prosecute her case, the Motion should be granted, and the complaint and underlying charge should be dismissed in their entirety with prejudice.

DISCUSSION

After obtaining a 50-day stay to locate and retain counsel, Complainant has failed to appear, either personally or through counsel, at two consecutive status hearings. Complainant also has ignored Judge Lindt's warning that her continued failure to appear at status hearings could result in the dismissal of her case. Furthermore, Complainant has not responded to this Motion, or provided any justification whatsoever regarding her failure to prosecute her case. It appears that Complainant simply has abandoned her claim.

The Commission routinely dismisses abandoned claims. See, e.g., Diaz and Sun Steel, IHRC, ALS No. 07-688, March 17, 2009 and Leonard and Solid Matter, Inc., IHRC, ALS No. 4942, August 25, 1992. The Commission also has dismissed cases where the complainant has failed to appear at dates scheduled for hearing or status. See, e.g., Stewart and SBC Midwest, IHRC, ALS No. 04-227, March 22, 2006 and Jackson and Chicago Firefighters Union Local No. 2, IHRC, ALS No. 8193, September 29, 1997.

In sum, Complainant's failure to prosecute her case has unreasonably delayed the proceedings in this matter. Therefore, this case should be dismissed.

RECOMMENDATION

Based on the foregoing, it is recommended that Respondent's Motion to Dismiss for Want of Prosecution be granted, and the complaint and underlying charge be dismissed in their entirety with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____

**LESTER G. BOVIA, JR.
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION**

ENTERED: November 3, 2009